

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :  
: :  
CERTAINT EED FIBER CEMENT : MDL NO. 11-2270  
SIDING LITIGATION :

**DISCOVERY ORDER**

Plaintiffs in the above captioned action, by and through Lead Counsel as designated by this Court, and Defendant CertainTeed Corporation, hereby submit this agreed upon Revised Discovery Order.

WHEREAS on April 4, 2011, this Court entered the parties' Proposed Case Management Order as CMO No. 2 which consolidated four related cases filed in this Court; established a protocol for the filing and docketing of additional cases and pleadings in the consolidated action; provided for a discovery plan and pretrial disclosures; set a schedule for the commencement of class certification briefing; and made other provisions for the efficient conduct of the litigation;

WHEREAS on May 11, 2011, this Court entered an Order designating lead counsel in the consolidated action;

WHEREAS on May 13, 2011, Plaintiffs served their first set of written discovery requests on CertainTeed, including interrogatories and requests for production;

WHEREAS on June 13, 2011, in accordance with the Orders previously entered by the Court, Plaintiffs filed a Consolidated Amended Complaint governing the four related actions filed in this Court, and the parties to these actions have made initial disclosures;

WHEREAS on or about March 25, 2011, CertainTeed commenced a rolling production of documents, and has so far produced over 31,000 pages, including, *inter alia*, customer service

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email sent

and warranty claim files, warranty materials, installation guides and product manuals, audit reports, and documents from CertainTeed's plants;

WHEREAS Plaintiffs' counsel has reviewed and coded a substantial portion of those documents;

WHEREAS on August 8, 2011, the Judicial Panel on Multidistrict Litigation entered an Order transferring to this Court three additional related actions that had been filed in other districts, for coordinated or consolidated pretrial proceeds before this Court;

WHEREAS on August 15, 2011, this Court entered an Order requiring the parties to submit an agreed upon revised discovery order in these actions;

**IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

1. Plaintiffs shall file a Second Consolidated Amended Complaint covering all actions filed in or transferred to this district pursuant to the Order by the MDL Panel on or before September 30, 2011.
2. On or before October 14, 2011, Plaintiffs who have not already done so shall serve their initial disclosures.
3. Plaintiffs in any tag-along actions subsequently consolidated will serve initial disclosures within 30 days of consolidation.
4. Counsel of record and the parties in the transferred actions may have access to the confidential documents produced by any party in this action, subject to and in accordance with the provisions of the Confidentiality Stipulation and Order entered in the case.
5. All other dates set forth in the Case Management Plan and Discovery Order entered on April 4, 2011 shall remain the same, as set forth below:

September 30, 2011	Last day for Plaintiffs to file a Second Consolidated Amended Complaint.
October 31, 2011	Last day for Defendant to file a Response to the Second Consolidated Amended Complaint.
April 6, 2012	Last day for Plaintiffs to file: (1) expert report(s) on class certification; and (2) motion for class certification.
June 6, 2012	Last day for Defendant to file: (1) expert report(s) on class certification; and (2) opposition to motion for class certification.
August 6, 2012	Last day for Plaintiffs to file: (1) rebuttal expert report(s) on class certification; and (2) reply papers in support of motion for class certification.
At the convenience of the Court in September, 2012	Hearing on motion for class certification.
60 days after the Court's ruling on the motion for class certification	The Parties must submit a joint case management statement and proposed schedule.

Respectfully submitted,

/s/ Anthony Vale

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*Co-Lead Counsel for Plaintiffs*

**SO ORDERED:**

Dated: 9/6, 2011

TH O'Neill  
The Honorable Thomas O'Neill, Jr.